

FROM : REX RANCH  
Dec -20-99 03:19P

PHONE NO. : 520 3988229

Dec. 20 1999 02:55PM P1

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I, Peter K. Trzyna (Reg. No. 32,601), hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on the date set forth below.

PATENT

Paper No. 1

File No. NewMrktP99-4

Signed

Peter K. Trzyna (Reg. No. 32,601)

Date:

20 Dec 1999

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Inventors	:	Anthony F. Herbst and Wayne F. Berg
Serial No.	:	
Filed	:	December 20, 1999
For	:	DIGITAL COMPUTER SYSTEM FOR OPERATING A CUSTOMIZABLE INVESTMENT FUND
Group Art Unit	:	
Examiner	:	

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The Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**COMBINED DECLARATION AND POWER OF ATTORNEY**

SIR :

As a below-named inventor, the undersigned hereby respectfully declares that: the residence, address, and citizenship are as stated below; we believe that we are the original, first, and joint inventors of the subject matter which is claimed and for which a patent is sought in the above-referenced specification; we have reviewed and understand the contents of the above-identified specification, including the claims; we acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56(a); and that all statements made on my/our own knowledge are true and all statements made on

information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint as our attorney, with full powers of inspection, substitution, revocation, and power to appoint associate attorneys, Peter K. Trzyna (Reg. No. 32,601 and a member of the Illinois, New York, and Washington D.C. bars).

Address all correspondence to:

Peter K. Trzyna

P.O. Box 7131  
Chicago, Illinois 60680-7131

Address all telephone calls to:

Peter K. Trzyna at

(312) 240-0824

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issued thereon.

Date: 20 December, 1999

Anthony F. Herbst

Anthony F. Herbst

Residence and Post Office Address: 625 La Chapa Avenue  
El Paso, Texas  
79912-2321

FROM : REX RANCH  
Dec-20-99 03:20P

PHONE NO. : 520 3988229

Dec. 20 1999 02:56PM P3

U.S. Citizen

Date: Dec. 20, 1999.

  
Wayne F. Perg.

Residence and Post Office Address: 4720 W. Arivaca Rd.  
Arivaca, AZ 85845

U.S. Citizen

FROM : REX RANCH  
Dec-20-99 03:20P

PHONE NO. : 520 3988229

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the Commissioner of Patents and Trademarks, Washington,  
D.C. 20231 on the date set forth below:

Signed

Peter K. Trzyna (Reg. No. 32,601)

Date:

20 Dec 1999

PATENT

Paper No. 1

File No. NewMrktP99-4

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Inventors	:	Anthony F. Herbst and Wayne F. Berg
Serial No.	:	
Filed	:	December 20, 1999
For	:	DIGITAL COMPUTER SYSTEM FOR OPERATING A CUSTOMIZABLE INVESTMENT FUND
Group Art Unit	:	
Examiner	:	

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The Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 C.F.R. §§ 1.9(f) and 1.27(c)) -  
SMALL BUSINESS CONCERN**

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SIR:

We hereby declare that we respectively are each an official of the  
respective small business concerns empowered to act on behalf of the respective  
concerns identified as New Market Solutions LLC, an Arizona corporation, having an  
address at 4720 W. Arivaca Rd. Amado, AZ 85645.

We further respectively declare that New Market Solutions LLC is a small  
business concern that qualifies as a small business concern as defined in 37 C.F.R. §§  
1.9(c) and 1.21.12 for purposes of paying reduced fees under Sections 41(a) and (b) of

Title 35, United States Code, to the Patent and Trademark Office with regard to the invention described in the above-identified patent application being filed herewith, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of the Declaration Claiming Small Entity Status, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party (or parties) controls or has the power to control both.

We further respectively declare that rights under contract or law for the above-identified invention and patent application have been conveyed to, and remain with, the small business concerns identified above. These rights are exclusive and no rights to the invention are held by any person, other than the inventors, who would not qualify as an independent inventor under 37 CFR § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

We each acknowledge the duty to file in this application notification of any change in status resulting in loss of entitlement to small entity prior to paying, or at the time of paying, the earliest of the issues 180 after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.18(b)).

We each hereby declare that all statements made herein on knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements

Dec-20-99 03:14P

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may jeopardiz the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: 20 December 1999

Anthony F. Herbst  
Anthony F. Herbst

Residence and Post Office Address: 625 La Chapa Avenue  
El Paso, Texas  
79912-2321

U.S. Citizen

Date: \_\_\_\_\_, 1999

Wayne F. Berg,

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Amado, AZ 85645

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P.U.

may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: \_\_\_\_\_, 1991 \_\_\_\_\_  
Anthony F. Herbst

Residence and Post Office Address: 625 La Chiapa Avenue  
El Paso, Texas  
79912-2321

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Date: Dec. 20, 1991 \_\_\_\_\_  
  
Wayne F. Berg.

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